...TED STATES.

...o. 215.

THE MINERS' BANK OF DUBUQUE, PLAINTIFF IN ERROR,

vs.

THE STATE OF IOWA.

IN ERROR TO THE SUPREME COURT FOR THE SECOND JUDICIAL DISTRICT OF THE STATE OF IOWA.

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[Gibbon, Print.]

UNITED STATES OF AMERICA, &c.

The President of the United States, to the honorable the judges of the supreme court for the second judicial district of the State of Iowa, greeting:

[L. S.]

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court, before you, or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between the President, Directors, and Company of the Miners' Bank of Dubuque, plaintiffs in error, and the State of Iowa, on the relation of the district prosecuting attorney, defendant in error, wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under, said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity; or wherein was drawn in question the construction of a clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision was against the title, right, privilege, or exemption, specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said President, Directors, and Company of the Miners' Bank of Dubuque, as by their complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and custom of the United States should be done.

Witness the honorable Roger B. Taney, chief justice of the said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and forty-eight.

WM. THOS. CARROLL,
Clerk of the Supreme Court of the United States.

The United States of America to Ansell Briggs, governor of the State of Iowa, and L. A. Thomas, district prosecuting attorney of the second judicial district of said State, the State of Iowa on the relation of the district prosecuting attorney, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the supreme court for the second judicial district of the State of

...now ...against the said plaintiffs ..., should not be corrected, ... why speedy justice should not be done to the parties in that behalf.

Witness the honorable Joseph Williams, chief justice of the supreme court of the State of Iowa, this twenty-sixth day of February, in the year of our Lord one thousand eight hundred and forty-nine.

JOSEPH WILLIAMS, *Chief Justice.*

On this twentieth day of April, in the year of our Lord one thousand eight hundred and forty-nine, personally appeared John S. Mobley, before me, the subscriber, one of the judges of the supreme court of the State of Iowa, and makes oath that he delivered a true copy of the within citation to Ansell Briggs, governor of the State of Iowa, and to L. A. Thomas, district prosecuting attorney of the second judicial district of said State, there being no attorney general of said State.

J. S. MOBLEY.

Sworn to and subscribed before me, this 20th day of April, 1849.

GEO. GREENE,
Judge of the supreme court of Iowa.

Know all men by these presents, that we, John Wharton, Timothy Davis, Peter Waples, J. P. Farly, Robert Waller, Patrick Quigley, and John Thompson, are held and firmly bound unto the State of Iowa, on the relation of the district prosecuting attorney, in the full and just sum of two hundred dollars, to be paid to the said State of Iowa, on the relation of the district prosecuting attorney, his certain attorney, executors, administrators, or assigns: to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this first day of March, in the year of our Lord one thousand eight hundred and forty-nine.

Whereas lately at a supreme court for the second judicial district of the State of Iowa, in a suit depending in said court between the President, Directors, and Company of the Miners' Bank of Dubuque, plaintiffs in error, and the State of Iowa, on the relation of the district prosecuting attorney, defendant in error, judgment was rendered against the said plaintiffs in error; and the said plaintiffs in error having obtained a writ of error, and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the aforesaid suit, and a citation directed to the said State of Iowa, on the relation of the district prosecuting attorney, citing and admonishing to be and appear at a Supreme Court of the United States to be holden at Washington the first Monday of December next.

Now the condition of the above obligation is such, that if the said President, Directors, and Company of the Miners' Bank of Dubuque, shall prosecute their said writ to effect, and answer all damages and costs if they fail to make their plea good, then the above obligation to be void, else to remain in full force and virtue.

JOHN WHARTON, [SEAL.]
TIMOTHY DAVIS, [SEAL.]
PETER WAPLES, [SEAL.]
J. P. FARLY, [SEAL.]

Sealed and delivered in presence of
M. MOBLEY.

Approved by— JOS. WILLIAMS,
Chief Justice of Iowa.

STATE OF IOWA,
Sup. court, 2nd jud. district:

Pleas before the honorable the supreme court for the State and district aforesaid.

Witness: S. C. HASTINGS, *Ch. Justice.*
GEO. GREENE, } *Judges.*
J. F. KINNEY, }

Writ of error to the judgment of the district court of Dubuque county.

THE PRESIDENT, DIRECTORS, & Co., of the Miners' Bank of Dubuque, plaintiffs in error,
against
THE UNITED STATES, on relation of district prosecuting attorney, defendant in error.

Be it remembered, that this cause was originally commenced before the district court in and for the county of Dubuque and territory of Iowa, under the style and title of The United States, on relation of the district prosecuting attorney, vs. The President, Directors, and Co., of the Miners' Bank of Dubuque, and was afterwards brought before said supreme court aforesaid on a writ of error, and the following papers, filed in the clerk's office relative to said cause, in words and figures following, to wit:

Pleas before the honorable Thos. S. Wilson, judge of the third judicial district of the territory of Iowa, and presiding judge of the district court of the United States for the county of Dubuque, within said territory, at the August term of said court, in the year of our Lord one thousand eight hundred and forty-five.

Witness: THOS. S. WILSON, *Judge.*
JAS. ROSS WELLS, *Clerk.*
GEO. W. CUMMINS, *Sheriff.*

TERRITORY OF IOWA, *Dubuque county, ss:*

Be it remembered, that on the 16th day of August, A. D. 1845, James Grant, prosecuting attorney, and Timothy Davis, attorney for Bank, filed in the clerk's office of the district court for the county and territory aforesaid, their agreement in substance as follows, to wit:

Information in nature of quo warranto.

THE UNITED STATES
vs.
PRESIDENT, Directors, & Co., of the Miners' Bank of Dubuque.

It is agreed in this cause that service of process shall be waived by the

...y the validity of the act of the ... purporting to repeal the charter of the ...iners' Bank of Dubuque, and the parties agree to go to a trial at said term of court.

JAMES GRANT, *Dist. Pros.*
TIMOTHY DAVIS, *Att'y for Bank.*

Which said agreement is endorsed as follows, to wit:

Filed, August 16th, 1845.

J. R. WELLS, *Clerk D. C.*

And now at this day comes the United States, by James Grant, prosecuting attorney, and filed his information in the words following, to wit:

TERRITORY OF IOWA, DUBUQUE,
Dist. court, Nov. term, A. D. 1845:

James Grant, district prosecutor of the third judicial district, who prosecutes for the United States, on leave granted, comes into said district court of Dubuque county, at the court-house in Dubuque county, on the first Monday in November, in the year of our Lord one thousand eight hundred and forty-five, and for said United States gives the court to be informed and understand, that John Wharton, Patrick Quigley, Robert Waller, John Thompson, Peter Waples, Jesse P. Farley, and Timothy Davis, for the space of two months last past, and since, have had and still use, without any legal authority, the liabilities and franchises of President, Directors, and Company, of the Miners' Bank of Dubuque, and discount bills, loan money, buy and sell bills of exchange, and do all such other acts and things as bodies corporate for banking usually do.

All which privileges, liabilities, and franchises, the said defendants have usurped, and still do usurp, upon said United States, to the great damage and prejudice thereof.

Whereupon the said attorney prays the aid of this court in the premises, and due process of law against said defendants, to answer to said United States by what warrants they claim to have and enjoy the liabilities, privileges, and franchises aforesaid.

JAMES GRANT, *Dist. Pros.*

Thereupon the defendants, by Davis, their attorney, come and file their plea in substance following, to wit:

TERRITORY OF IOWA,
Dubuque dist. court, Nov. term, 1845:

UNITED STATES, on relation of the district prosecutor,
vs.
JOHN WHARTON et al., the President, Directors, and Co., of the Miners' Bank of Dubuque.

And the said John Wharton, Patrick Quigley, Robert Waller, John Thompson, Peter Waples, Jesse P. Farley, and Timothy Davis, president, directors, and Co., &c.

As to the said liabilities, franchises, and privileges, of the said President, Directors, and Company, of the Miners' Bank of Dubuque, say that,

of N[illegible]
thirty-six, which act, [illegible]
third day of March, in the year o[illegible] eight h[illegible]
and thirty-seven, said President, Direc[illegible]any, were duly
corporated as a company or body politic and corporate, with the privileges, liabilities, and franchises aforesaid; that by an act of Congress in session on the 12th day of June, in the year of our Lord one thousand eight hundred and thirty-eight, the territory of Wisconsin was divided, and the territory of Iowa formed therefrom; and by this warrant the said defendants have, and during the time in said information mentioned, and still use the liabilities, privileges, and franchises, as they well might, and still may; without this, that said defendants have usurped, or do now usurp, said liabilities, franchises, and privileges, in manner and form as by said information is supposed; all which the said defendants are ready to verify; and wherefore they pray judgment, and that said liberties, franchises, and privileges, above by them claimed, may be allowed and adjudged them, and that they may be herein dismissed, &c.

DAVIS, *Att'y for Bank.*

Whereupon the United States, by Grant, dist. pros., files his replication in words following, to wit:

TERRITORY OF IOWA,
Dubuque dist. court, Nov. term, 1845:

UNITED STATES, on relation of the district prosecutor,
vs.
The PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque.

And the said plaintiffs, for replication to said plea of said defendants, say, that the act of the legislature of Wisconsin, by which said defendants claim the liberties, franchises, and privileges aforesaid, by an act of the legislature of Iowa territory, within whose jurisdiction the said corporate body existed, after the division of the territory of Wisconsin, in force the twenty-first day of May, in the year of our Lord one thousand eight hundred and forty-five, the said liabilities, privileges, and franchises, were repealed, disallowed, and declared for naught; and this he is ready to verify; wherefore he prays judgment, &c.

JAMES GRANT, *Dist. Pros.*

And now comes the said defendants, by *by* Davis, their attorney, and file their rejoinder in substance following, to wit:

In district court, Nov. term, 1845.

TERRITORY OF IOWA,
County of Dubuque:

Information in nature of quo warranto.

UNITED STATES, at relation of district attorney,
vs.
PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque.

And the said defendants, as to said replication of the plaintiffs, say, that

[illegible] said
[illegible] of Iowa, whereby the
[illegible] of [illegible] be repealed, was passed by said legislature without [illegible] these defendants, or any opportunity afforded them of being heard in their defence, and without any evidence of the abuse and misuse of any of the liberties, franchises, and privileges aforesaid; and this they are ready to verify; wherefore they pray judgment, &c.

DAVIS, *Att'y for Bank.*

Whereupon the parties, by their attorneys, file their demurrer and joinder in words, to wit:

District court, Nov. term, 1845.

TERRITORY OF IOWA, *Dubuque county:*

UNITED STATES, on relation of district attorney,
vs.
The PRESIDENT, DIRECTORS, and COMPANY, of the Miners' Bank of Dubuque.

And the said plaintiffs, as to said rejoinder of said defendants, say, that they ought not to be barred from maintaining their aforesaid writ, because they say that said rejoinder, and the matters and things therein stated, are not sufficient in law to bar the plaintiffs from having their aforesaid writ, &c.; and this they are ready to verify; wherefore they pray judgment, &c.

JAMES GRANT, *Dist. Pros.*

And the said defendants say, that said rejoinder is sufficient in law to bar the plaintiffs from having and maintaining their aforesaid writ, &c.; and this they are ready to verify, &c.

DAVIS, *Att'y for def't.*

And now, at the November term of the district court aforesaid, to wit, on the 22d day of November, A. D. 1845, before our said court now here, the following proceedings were had in the foregoing cause in words following, to wit:

Information in the nature of quo warranto.

The UNITED STATES, on the relation of the district prosecutor,
vs.
The PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque.

And now at this day comes the said plaintiffs, by James Grant, district prosecutor, and the said defendants, by Davis and Crawford, their attorneys; and the said plaintiffs file their demurrer to the rejoinder of the said defendants; whereupon all and singular the premises aforesaid being seen, and by the court here fully understood, and mature deliberation being thereon had, it appears to the said court that the said rejoinder, and the matters therein contained, are not sufficient in law to bar or preclude the said plaintiffs from having and maintaining their aforesaid information

nothing by their said rejoinder, and ... answer over to the said plaintiffs' replica... by ... morning next, ... the meeting of the court.

Proceedings at the December term of said court, 1847, and on the 6th day of December.

UNITED STATES
vs.
THE MINERS' BANK.

The said Bank, by Smith and Davis, moves the court for leave to file an amended rejoinder.

DAVIS & SMITH, *Attorneys for defendants.*

Which is filed in the words following, to wit:

District court, December term, 1847.

STATE OF IOWA, *Dubuque county:*

Information in the nature of quo warranto.

UNITED STATES, on relation of James Grant, district attorney,
vs.
THE PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque.

The said defendants, as to the said replication of the said plaintiffs to the plea of defendants, say, that they ought not to be barred of the franchises, liberties, and privileges, secured to them by their aforesaid charter, because they say that the act of the said legislature of Iowa aforesaid, whereby it is supposed the said charter was repealed, was passed without the said corporation (defendants) having first failed to go into operation, and without having abused or misused its privileges; and this they are ready to verify.

DAVIS & SMITH, *Attorneys for defendants.*

On the back of which is the following endorsement, to wit:
Filed in open court, Dec. 6th, 1847.

J. P. VAN HAGEN, *Clerk D. C.*

Hereupon comes the plaintiff, by L. A. Thomas, prosecuting attorney, and files his demurrer in substance following, to wit:

District court in and for said county, Dec. term, A. D. 1847.

STATE OF IOWA, *Dubuque county, ss:*

Information in nature of a quo warranto.

UNITED STATES, upon relation of district attorney,
vs.
THE PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque.

And the said plaintiffs, as to said rejoinder of said defendants, say, that

...ay judg-
...ing &c.

...IS A. THOMAS, *Pros. Attorney.*

The said defendants say, the said matters, &c., set forth in the said rejoinder, are sufficient in law, and join in demurrer, &c.

DAVIS & SMITH, *Attorneys for defendants.*

With the following endorsement, to wit:

Filed in open court, Dec. 8th, 1847.

J. P. VAN HAGEN, *Clerk.*

And now at the December term, 1847, of the district court, to wit, on the 9th day of December, 1847, at the county aforesaid, before the court aforesaid, now here, the following proceedings were had in the foregoing cause in words following, to wit:

Motion for judgment of ouster.

STATE OF IOWA, &c.
vs.
JOHN WHARTON, Patrick Quigley, Robert Waller, &c., President, Directors, and Co., of the Miners' Bank of Dubuque.

And now at this day comes the said plaintiffs, by L. A. Thomas, their attorney, and the said defendants, by Davis & Smith, their attorneys; and the said defendants ask leave of the court *of the court* to file their amended rejoinder to the replication of the said plaintiffs, in accordance with a rule of court entered at a previous term of court. After arguments of counsel, leave is granted; whereupon said defendants file their amended rejoinder, the said plaintiffs file their demurrer, and the said defendants join in said demurrer, and the parties are at issue to the court; thereupon the demurrer is sustained by the court, with leave to the said defendants to answer over, but said defendants elect to abide by their aforesaid amended rejoinder; and it being adjudged by the court now here, that the information filed in this case, and the matters and things therein charged are true, it is therefore ordered, adjudged, and decreed, that the said defendants, and all others acting by, through, or under them, be ousted, and altogether and forever excluded from all such corporate rights, privileges, and franchises of the President, Directors, and Company, of the Miners' Bank of Dubuque; that the corporation of said President, Directors, and Company, be dissolved, and that the plaintiffs have and recover of and from the said defendants their costs about their suit in this behalf expended, and that they have execution therefor.

[...TATE]

STATE OF IOWA, *Dubuque county, ss.:*

I, J. P. Van Hagen, clerk of the district court in and for the county and State aforesaid, do hereby certify, that the foregoing is a true and correct copy and transcript of the papers, record, and proceedings in the above entitled cause, wherein the United States, &c., is plaintiff, and the Presi-

[SEAL.] to be affixed the seal of ... buque, this 21st day of Dec... A. D.

J. P. VAN H...GEN, *Clerk district court.*

Filed with the following endorsement, to wit:

Filed, January 7th, A. D. 1848.

Test: GEO. S. HAMPTON, *Clerk S. C. I.*

Whereupon, afterwards, to wit, on the 11th day of December, A. D. 1847, came the defendants, and sued out a writ of error from our said supreme court, in words and figures following, to wit:

STATE OF IOWA, ss:

The State of Iowa to Isaac P. Van Hagen, clerk of the district court for the county of Dubuque, greeting:

Whereas at a district court begun and held at the court-house in and for the county of Dubuque, on the sixth day of December, in the year of our Lord one thousand eight hundred and forty-seven, the United States, on the relation of the prosecuting attorney, by leave of the court, by the judgment of the court, recovered against the President, Directors, and Company, of the Miners' Bank of Dubuque, that they be ousted of the franchises, liberties, and privileges granted to them by their charter, and that the same should be henceforth held for naught, and also their costs and charges by them about their suit in that behalf laid out and expended, whereof the said President, Directors, and Company are convict, as it is said; and because in the record and proceedings, as also in the rendition of the said judgment, a manifest error hath happened to the great damage of the President, Directors, and Company, as in their complaint hath been stated.

Therefore, you are hereby commanded in the name of the State of Iowa, that if the judgment aforesaid be therein given, then, under your seal, you do distinctly and openly, send the record and proceedings aforesaid, with all things thereunto relating, to the supreme court for the State aforesaid, to be held at Iowa city on the first Monday in January next, together with this writ, that the record and proceedings aforesaid being inspected, the said supreme court may further cause to be done therein, for the correcting of that error, what of right and according to the laws and customs of the land may be done.

Witness George S. Hampton, clerk of the said supreme court,
[SEAL.] with the seal of said court hereunto affixed, at Iowa city, this 11th day of December, A. D. 1847.

GEO. S. HAMPTON,
Clerk of the supreme court of Iowa.

Thereupon the plaintiffs in error, by Davis and Smith, their attorneys, file their assignment of errors in words and figures following, to wit:

UNITED STATES, ex rel. [illegible] prosecuting attorney. } In error.

The said plaintiffs in error, by their attorneys, now come and show to the court the following errors in the proceedings in the court below in this case, to wit:

1st. That the court below rendered judgment, upon the demurrer filed by the defendants in error to the plaintiffs in error rejoinder, for the defendants in error, whereas the said judgment ought to have been for the plaintiffs in error.

2nd. Judgment in said case ought to have been for the plaintiffs in error, whereas the same is rendered for defendants in error.

DAVIS & SMITH,
Attorneys for plaintiffs in error.

Endorsed in words and figures as follows, to wit:

Filed, January 10th, 1848.
Test: GEO. S. HAMPTON, C. S. C. I. T.

Thereupon the defendants in error, by L. A. Thomas, came and filed their joinder in error in words and figures following, to wit:

In supreme court, January term, A. D. 1848.

THE UNITED STATES, on relation of [illegible] prosecuting attorney,
vs.
PRESIDENT, DIRECTORS, & Co., of the Miners' Bank of Dubuque. }

The defendants in error, by Lewis A. Thomas, their attorney, come here in court and join in the supposed errors of the said plaintiffs in error, and say, as to the 1st and 2nd causes of error, and all other causes of error, that the judgment of the court below is correct in law, and that the same ought not to be reversed.

L. A. THOMAS,
Attorney for defendants in error.

Endorsed in words and figures as follows, to wit:

Filed, January 13th, 1848.
Test: GEO. S. HAMPTON, Clerk.

Proceedings had at the July term of the superior court for the second judicial district of the State of Iowa, A. D. 1848.

And now comes the plaintiffs in error, by their attorneys, Clark & Dunkle, and file their assignment of errors in words and figures as follows, to wit:

THE PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque, plaintiffs in error,
against
THE UNITED STATES, on relation of the district prosecuting attorney, defendant in error.

And now at this day come the plaintiffs in error, and assign for error in the record that the court erred in rendering judgment in the demurrer in favor of the plaintiffs below, whereas the judgment ought to have been in favor of the defendants below.

CLARK & DRUMMOND,
Attorneys for plaintiffs in error.

Endorsed in words and figures as follows, to wit:
Filed, July 18th, 1848.

ALEX. D. ANDERSON, *Clerk S. C.*

And now at the July term, A. D. 1848, of the supreme court for the 2nd judicial district of the State of Iowa, the following proceedings were had, as appears by the record in words and figures as follows, to wit:

Thursday, July 20th, A. D. 1848.

Writ of error to the judgment of the district court of Dubuque county.

THE PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque, plaintiffs in error,
against
THE UNITED STATES, on relation of the district prosecuting attorney, defendants in error.

This day came the parties aforesaid, by their attorneys, and this cause being about to come on for hearing, the honorable S. C. Hastings declined sitting in this case, he having been of counsel in the case during its pendency in the Supreme Court of the United States, but by consent of the attorneys on both sides, and at their solicitation, the said Hon. S. C. Hastings continued to sit and hear the cause; and this cause now coming on for hearing, and the court having heard a part of the arguments of counsel, and not having time to hear the remainder, the further hearing is continued over until to-morrow morning.

Friday, July 21st, A. D. 1848.

Writ of error to the judgment of the district court of Dubuque county.

THE PRESIDENT, DIRECTORS, and Co., of the Miners' Bank of Dubuque, plaintiffs in error,
against
THE UNITED STATES, on relation of the district prosecuting attorney, defendants in error.

This cause now coming on for further hearing, and the court having heard the arguments of counsel, and not being sufficiently advised in the premises, took time to consider of the same.

... Bank ... in error,

THE UNITED STATES, on relation of the district prosecuting attorney, defendants in error.

And now upon the tenth day of the term, being the twenty-seventh day of July, A. D. 1848, this cause came on to be heard, and after arguments of counsel, and due deliberation of the court, it is ordered, adjudged, and decreed, that the judgment of the district court be affirmed, and that the plaintiffs in error be ousted from the franchises, rights, and privileges of banking, which were in any manner claimed or exercised by the plaintiffs in error, and that said rights, franchises, and privileges, be seized into the hands of the State of Iowa, and that the said plaintiffs in error, from hence forever, shall in no manner use or intermeddle with the same, and shall pay the costs of this suit, and that the defendants in error have execution therefor; and thereupon the plaintiffs in error gave notice of their intention to appeal from the decision of this court to the Supreme Court of the United States; and this cause having been commenced originally in the district court of the United States in and for the territory of Iowa, and having been from term to term of said court continued until the organization of the State government of the "State of Iowa," and in due course of law transferred for final hearing and adjudication to this court, and final judgment in the court below having been entered in the name of the State of Iowa, it is hereby ordered by this court, that the clerk of this court certify, as of record in this court, the entering of final judgment in the name of the State of Iowa, according to the prayer of the plaintiffs in error.

STATE OF IOWA,
Supreme court, 2nd judicial district, ss:

I, Alexander D. Anderson, clerk of the supreme court for the State and district aforesaid, do hereby certify, that the foregoing is a full, true, and correct transcript of the papers, record, and proceedings in the above entitled cause, wherein the President, Directors, and Co., of the Miners' Bank of Dubuque, are plaintiffs in error, and the United States, on relation of the district prosecuting attorney, are defendants in error, as the same remain of record and on file in my office.

In testimony whereof I have hereunto set my hand, and affixed
[SEAL.] the seal of said supreme court, at my office in Dubuque, this eighteenth day of September, A. D. 1849.

ALEX. D ANDERSON,
Clerk S. C., 2nd judicial district, Iowa.